



# House of Representatives

General Assembly

**File No. 576**

January Session, 2017

Substitute House Bill No. 5442

*House of Representatives, April 13, 2017*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-20a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) A person is eligible to marry if such person is:

4 (1) Not a party to another marriage, or a relationship that provides  
5 substantially the same rights, benefits and responsibilities as a  
6 marriage, entered into in this state or another state or jurisdiction,  
7 unless the parties to the marriage will be the same as the parties to  
8 such other relationship;

9 (2) Except as provided in [section 46b-30] subsection (b) of this  
10 section, at least eighteen years of age;

11 (3) Except as provided in section 46b-29, not under the supervision  
12 or control of a conservator; and

13 (4) Not prohibited from entering into a marriage pursuant to section  
14 46b-21.

15 (b) A license may be issued to a minor who is at least sixteen years  
16 of age but under eighteen years of age when the minor, or the other  
17 party for whom the marriage license is sought, is (1) pregnant, or (2) a  
18 member of the armed forces as defined in section 27-103. A registrar  
19 shall not issue a license under this subsection unless the minor's  
20 application for license is accompanied by the following documents: (A)  
21 The written consent of the minor to be married, signed and  
22 acknowledged before a person authorized to take acknowledgments of  
23 conveyances under the provisions of section 47-5a, or authorized to  
24 take acknowledgments in any other state or country; (B) the written  
25 consent of the minor's parent or guardian permitting the minor to be  
26 married, signed and acknowledged before a person authorized to take  
27 acknowledgments of conveyances under the provisions of section 47-  
28 5a, or authorized to take acknowledgments in any other state or  
29 country; and (C) the written consent of the judge of probate for the  
30 district in which the minor resides.

31 Sec. 2. Section 46b-150d of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective October 1, 2017*):

33 An order that a minor is emancipated shall have the following  
34 effects: (1) The minor may consent to medical, dental or psychiatric  
35 care, without parental consent, knowledge or liability; (2) the minor  
36 may enter into a binding contract; (3) the minor may sue and be sued  
37 in such minor's own name; (4) the minor shall be entitled to such  
38 minor's own earnings and shall be free of control by such minor's  
39 parents or guardian; (5) the minor may establish such minor's own  
40 residence; (6) the minor may buy and sell real and personal property;  
41 (7) the minor may not thereafter be the subject of (A) a petition under  
42 section 46b-129 as an abused, neglected or uncared for child or youth,  
43 (B) a petition under section 46b-128 or 46b-133 as a delinquent child for  
44 any act committed before the date of the order, or (C) a petition under  
45 section 46b-149 alleging that the minor is a child from a family with

46 service needs; (8) the minor may enroll in any school or college,  
47 without parental consent; (9) the minor shall be deemed to be over  
48 eighteen years of age for purposes of securing an operator's license  
49 under section 14-36 and a marriage license under [subsection (b) of  
50 section 46b-30] section 46b-20a, as amended by this act; (10) the minor  
51 shall be deemed to be over eighteen years of age for purposes of  
52 registering a motor vehicle under section 14-12; (11) the parents of the  
53 minor shall no longer be the guardians of the minor under section 45a-  
54 606; (12) the parents of a minor shall be relieved of any obligations  
55 respecting such minor's school attendance under section 10-184; (13)  
56 the parents shall be relieved of all obligation to support the minor; (14)  
57 the minor shall be emancipated for the purposes of parental liability  
58 for such minor's acts under section 52-572; (15) the minor may execute  
59 releases in such minor's own name under section 14-118; (16) the minor  
60 may enlist in the armed forces of the United States without parental  
61 consent; and (17) the minor may access or obtain a certified copy of a  
62 birth certificate under section 7-51.

63 Sec. 3. Section 7-45 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2017*):

65 Each person making any certificate of birth, marriage, civil union,  
66 death or fetal death, or any copy of such certificate for the  
67 commissioner, or any sexton's report required by law, shall cause the  
68 same to be typewritten or printed in a legible manner as to all material  
69 information or facts required by the provisions of sections 7-48, 7-60,  
70 [and] 7-62b, [and sections] 46b-25 and 46b-29 [to 46b-30, inclusive, or  
71 sections 46b-38hh to 46b-38jj, inclusive,] and contained in such  
72 certificate. If the certificate is in paper format, such person shall sign  
73 the certificate in black ink, shall state therein in what capacity such  
74 person so signs, and shall type or print in a legible manner the name of  
75 each person signing such certificate, under such person's signature. If  
76 the certificate is in an electronic format, such certificate shall be  
77 authenticated by the electronic vital records system of the department.  
78 Any certificate not complying with the requirements of this section  
79 shall be returned by the registrar with whom it is filed to the person

80 making the same for the proper correction.

81 Sec. 4. Subsection (a) of section 46b-24 of the general statutes is  
82 repealed and the following is substituted in lieu thereof (*Effective*  
83 *October 1, 2017*):

84 (a) Except as provided in section 46b-28a, no persons may be joined  
85 in marriage in this state until both have complied with the provisions  
86 of this section, [section] sections 46b-20a, as amended by this act, 46b-  
87 25 and [sections] 46b-29 to 46b-33, inclusive, and have been issued a  
88 license by the registrar for the town in which the marriage is to be  
89 celebrated, which license shall bear the certification of the registrar that  
90 the persons named therein have complied with the provisions of said  
91 sections.

92 Sec. 5. Section 46b-30 of the general statutes is repealed. (*Effective*  
93 *October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46b-20a
Sec. 2	<i>October 1, 2017</i>	46b-150d
Sec. 3	<i>October 1, 2017</i>	7-45
Sec. 4	<i>October 1, 2017</i>	46b-24(a)
Sec. 5	<i>October 1, 2017</i>	Repealer section

***Statement of Legislative Commissioners:***

Section 4 was added for consistency with the changes being made in Sections 1 and 5.

***JUD***      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Resources of the GF	GF - Potential Revenue Loss	less than 300	less than 400

Note: GF=General Fund

#### ***Municipal Impact:***

Municipalities	Effect	FY 18 \$	FY 19 \$
Various Municipalities	Potential Revenue Loss	less than 200	less than 300

### ***Explanation***

A revenue loss to the General Fund of less than \$400 annually and a revenue loss of less than \$300 annually, in total, across various municipalities are anticipated from marriage restrictions under the bill. In 2016, there were sixteen brides, and no grooms, under 18-years-of-age married in Connecticut. While it is assumed that less than 20 such individuals become married annually, as the bill is effective 10/1/17, less than 15 individuals are assumed in FY 18. Of the \$30 charged by a municipal registrar for a marriage license pursuant to CGS Sec. 7-73, \$11 is retained by the municipality and \$19 is provided to the Department of Public Health (DPH) for deposit into the General Fund.<sup>1</sup>

### ***The Out Years***

<sup>1</sup>Funds are then further credited to a separate nonlapsing account for use by the Department of Social Services for shelter services for victims of household abuse and by DPH for rape crisis services.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5442*****AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE.*****SUMMARY**

This bill (1) prohibits anyone under age 16 from being issued a marriage license under any circumstances and (2) narrows the circumstances in which such a license may be issued to a 16- or 17-year-old.

Under current law, a 16- or 17-year-old may be issued a marriage license if the registrar of vital statistics has on file the written consent of the minor's parent or guardian. If the minor is under age 16, he or she also needs the written consent of the probate judge where he or she resides. (The probate judge's written consent may suffice for a minor's marriage license if no parent or guardian is a U.S. resident.)

Under the bill, an individual under age 16 may not be issued a marriage license. A 16- or 17-year-old may only get a marriage license if he or she, or his or her prospective spouse, is pregnant or a member of the armed forces. In such circumstances, the license application must be accompanied by written consent of (1) the minor, (2) his or her parent or legal guardian, and (3) the probate judge in the district where the minor resides.

As is required for the parent's or guardian's consent under current law, the consents of the minor and parent or guardian under the bill must be signed and acknowledged before a person authorized to take acknowledgments of conveyances in this state or another state or country (e.g., a judge, notary public, justice of the peace, or town clerk).

Under existing law, unchanged by the bill, emancipated minors are treated as adults for marriage purposes and therefore are not subject to these restrictions. (By law, a minor must be at least 16 to be emancipated.)

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2017

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 7 (03/29/2017)